

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JIAYAN CHEN

Plaintiff,

-v-

UNITED STATES CITIZENSHIP AND
IMMIGRATION SERVICES

Defendant.

21 Civ. 1286 (JPC)

ORDER

JOHN P. CRONAN, United States District Judge:

Plaintiff filed the Complaint on February 16, 2021, *see* Dkt. 1, and filed a proof of service on April 26, 2021, declaring that Joseph B. Maher accepted service on behalf of Defendant U.S. Citizenship and Immigration Services on April 22, 2021, *see* Dkt. 3. Defendant has not appeared in this action, and the docket does not reflect whether Defendant has been served properly in the manner prescribed under Rule 4(i) of the Federal Rules of Civil Procedure, which provides that “[t]o serve a United States agency or corporation, . . . a party ***must serve the United States*** and also send a copy of the summons and of the complaint by registered or certified mail to the agency, corporation, officer, or employee.” To serve the United States, a party must:

(A)(i) deliver a copy of the summons and of the complaint to the United States attorney for the district where the action is brought—or to an assistant United States attorney or clerical employee whom the United States attorney designates in a writing filed with the court clerk—or

(ii) send a copy of each by registered or certified mail to the civil-process clerk at the United States attorney’s office;

(B) send a copy of each by registered or certified mail to the Attorney General of the United States at Washington D.C.; and

(C) if the action challenges an order of a nonparty agency or officer of the United States, send a copy of each by registered or certified mail to the agency or officer.

Fed. R. Civ. P. 4(i)(1). Furthermore, Rule 4(m) of the Federal Rules of Civil Procedure requires a defendant to be served with the summons and complaint within 90 days after the complaint is filed.

By November 12, 2021, Plaintiff must file a proof of service of the summons and of the complaint on defendant in the manner prescribed under Rule 4(i) of the Federal Rules of Civil Procedure, or, if Defendant has been served in the manner prescribed under Rule 4(i), when and in what manner such service was made.

The Clerk of Court is directed to mail a copy of this Order to Plaintiff.

SO ORDERED.

Dated: October 5, 2021
New York, New York

A handwritten signature in black ink, appearing to read "John P. Cronan", is written over a horizontal line.

JOHN P. CRONAN
United States District Judge